



EAPA Code of Ethics (DRAFT)

Developed by the Ethics Task Force, 2008

Jeff Christie, Chair ▪ Dave Sharar, Co-Chair ▪ Stephanie Beer ▪

Beverly Brem ▪ Scott Cullen-Benson ▪ Kaoru Ichikawa ▪ Henrietta Menco ▪

Jim Printup ▪ Marilyn Rumsey ▪ Linda Sturdivant ▪ James O'Hair

Table of Contents

<i>Preamble</i>	<i>1</i>
<i>Code of Ethics purpose</i>	<i>1</i>
<i>Ethical principles</i>	<i>1</i>
• <i>Service</i>	<i>1</i>
• <i>Beneficence</i>	<i>1</i>
• <i>Fidelity</i>	<i>1</i>
• <i>Integrity</i>	<i>2</i>
• <i>Respect for client's rights</i>	<i>2</i>
• <i>Competence</i>	<i>2</i>
<i>1. Responsibility to colleagues and other professionals</i>	<i>3</i>
<i>1.01 Interdisciplinary teamwork and collaboration</i>	<i>3</i>
<i>1.02 Confidential information between colleagues</i>	<i>3</i>
<i>1.03 Respect</i>	<i>3</i>
<i>1.04 Disputes</i>	<i>3</i>
<i>1.05 Impairment of colleagues</i>	<i>3</i>
<i>1.06 Incompetence of colleagues</i>	<i>3</i>
<i>1.07 Responsibility to supervisees and interns</i>	<i>3</i>
<i>1.08 Non-Discrimination</i>	<i>4</i>
<i>2. Responsibility to employees as clients</i>	<i>5</i>
<i>2.01 Informed consent</i>	<i>5</i>
<i>2.02 Privacy and confidentiality</i>	<i>5</i>
<i>2.03 Records</i>	<i>5</i>
<i>2.04 Screening and assessment</i>	<i>5</i>
<i>2.05 Referrals</i>	<i>5</i>
<i>2.06 Follow-up</i>	<i>6</i>
<i>2.07 Termination</i>	<i>6</i>
<i>2.08 Management consultation and management referral</i>	<i>7</i>
<i>2.09 Sexual conduct</i>	<i>7</i>
<i>2.10 Professional competence</i>	<i>7</i>
<i>2.11 Representation of qualifications</i>	<i>7</i>
<i>2.12 Nondiscrimination</i>	<i>8</i>

2.13	<i>Avoiding harm</i>	8
2.14	<i>Full disclosure</i>	8
3.	<i>Responsibility as professionals</i>	9
3.01	<i>Boundaries of competence</i>	9
3.02	<i>Continuing education and training</i>	9
3.03	<i>Supervision, consultation and advisement</i>	9
3.04	<i>Integrity</i>	9
3.05	<i>Acknowledging credit</i>	9
4.	<i>Responsibility to employers or customer organizations</i>	10
4.01	<i>Accurate representation of capability and capacity</i>	10
4.02	<i>Accuracy and honesty in reporting utilization, program results and outcomes</i>	10
4.03	<i>Contracting truthfully</i>	10
4.04	<i>Provision of management training and consultation</i>	10
4.05	<i>Consultation on organizational policies or conditions</i>	11
4.06	<i>Employer as client</i>	11
4.07	<i>Commitment to employers</i>	11
5.	<i>Responsibility in conducting research</i>	12
5.01	<i>Informed consent</i>	12
5.02	<i>Institutional approval</i>	12
5.03	<i>Inducements</i>	12
5.04	<i>Avoiding injury and minimal interference</i>	12
5.05	<i>Reporting results</i>	12
5.06	<i>Avoiding plagiarism</i>	12
5.07	<i>Publication credit</i>	12
5.08	<i>Participant confidentiality</i>	13
5.09	<i>Relationships with participants</i>	13
5.10	<i>Disclosure of sponsors/Informing sponsors</i>	13
6.	<i>Responsibility to vendors and providers</i>	14
6.01	<i>Selection, contracting and pricing</i>	14
6.02	<i>Conflict of interest</i>	14
6.03	<i>Payment</i>	14
6.04	<i>Non-Discrimination</i>	15

7.	<i>Responsibility to the Employee Assistance profession and broader society</i>	<i>16</i>
7.01	<i>Promotion of high standards</i>	<i>16</i>
7.02	<i>Public statements concerning the EA field and/or EAPA</i>	<i>16</i>
7.03	<i>Advertising, marketing, sales and other public statements</i>	<i>16</i>
7.04	<i>Billing</i>	<i>16</i>
7.05	<i>Pricing and rate setting</i>	<i>16</i>

Preamble

Code of Ethics purpose

The purpose of EAPA's Code of Ethics is to provide standards which will serve as a guide for those employed in the Employee Assistance profession. The goal is to help practitioners provide the highest quality of service with integrity.

Ethical principles

The Code consists of general principles of conduct. These principles are designed to provide guidance in how to best act in situations. Some situations may not apply to every Employee Assistance Professional. The Code does not always represent obligations and is not intended to be used for purposes of sanction.

- ***Service:*** The unique technology (core technology) of Employee Assistance allows EA Professionals to be well positioned to minimize the impact of personal and/or work problems on productivity and safety. EA Professionals are most effective when they are seen as professional, competent and impartial. Employee Assistance Professionals provide consultation to potentially multiple "clients" at all times: The individual client, the client organization and other aspects of an organization, such as labor unions. Recognizing the needs of all levels of an organization and directing services to meet these needs is a key focus of the Employee Assistance Professional.
- ***Beneficence:*** Employee Assistance Professionals diligently work to benefit the individuals and organizations they serve. They work to protect the welfare and rights of those with whom they interact professionally. It is expected that conflicts will occur and that in finding resolution they will seek to avoid or minimize the amount of harm which occurs. Employee Assistance Professionals understand that the professional decisions they offer may affect individual lives or the livelihood of the organization, and they strive to maintain awareness of the various influences that could impact their decisions.
- ***Fidelity:*** Employee Assistance Professionals create trusting relationships with key stakeholders within the organizations they serve. Trusting relationships are developed with the individuals with whom they consult or counsel who may be under duress or are faced with difficult choices. Employee Assistance Professionals are aware of their role and responsibilities and will manage conflicts that could lead to exploitation or harm or the perception of exploitation or harm.

- ***Integrity:*** Employee Assistance Professionals work to maintain and promote high standards of practice. They strive to clarify professional boundaries to minimize confusion of roles and outcomes. A primary goal is the practice and advancement of the values, knowledge and purpose of the profession. Employee Assistance Professionals work for the benefit of the individuals and organizations they serve and will strive to do no harm by theft, fraud or misrepresentation of fact.
- ***Respect for client's rights:*** Employee Assistance Professionals value the dignity of all people and the rights of individuals to privacy and confidentiality. They also value the organization that provides the contracted services and the needs, rights and mandates of the organization. Employee Assistance Professionals are aware and respect differences based on gender, race, ethnicity, culture, national origin, religion, sexual orientation and disability. They try to eliminate biases based on these or other factors.
- ***Competence:*** Employee Assistance Professionals work to become and remain proficient in professional practice and the performance of professional functions. They should provide services and represent themselves as competent only within the boundaries of their education, training, license, certification or other professional training. Employee Assistance Professionals should keep current on Employee Assistance trends, research, emerging technology and issues within the profession by reviewing professional literature, seeking professional development education and maintaining involvement with other professionals.

1. Responsibility to colleagues and other professionals

1.01 *Interdisciplinary teamwork and collaboration:*

Employee Assistance Professionals who participate in interdisciplinary teams will uphold the values and standards of the Employee Assistance profession. Should participation on a committee raise ethical concerns, the Employee Assistance Professional will raise the concern and pursue appropriate means of resolution, while maintaining adherence to the EAPA Code of Ethics.

1.02 *Confidential information between colleagues:*

Employee Assistance Professionals should seek the consultation of colleagues whenever doing so is in the best interest of a client. Consultation should occur with the confidentiality of the client protected, unless a release of information or a recognized exception for disclosure exists.

1.03 *Respect:* Cooperation within a professional community precludes the denigration of other professionals to promote one's own interests. Employee Assistance Professionals should accurately and fairly represent the qualifications and skills of colleagues.

1.04 *Disputes:* Employee Assistance Professionals will seek to resolve disputes with colleagues with fairness, accuracy and respect, and to never allow a dispute to interfere with the best interests of a client.

1.05 *Impairment of colleagues:* Employee Assistance Professionals shall endeavor to assist an impaired colleague in receiving appropriate assessment and treatment. Employee Assistance Professionals shall strive to prevent the delivery of EAP or clinical services by an impaired practitioner.

1.06 *Incompetence of colleagues:* Employee Assistance Professionals shall strive to prevent the exposure of clients to a practitioner known to be incompetent in the problem area for which help is sought.

1.07 *Responsibility to supervisees and interns:* Supervisees and interns should be treated with dignity and respect and thus without bullying or harassment. Sexual relations with one's supervisees or interns is unethical and should not occur within two

years of the termination of the supervisor/supervisee relationship or internship.

1.08 Non-Discrimination EA Professionals shall use all reasonable endeavors, in connection with the employment of staff, to provide equal opportunity for all actual and prospective EAP staff and in that connection shall not discriminate against any person on the grounds of that person's race, gender, color, religion, national origin, political affiliation, disability, sexual orientation, age, marital status or education (and shall in any event comply with all relevant legislation concerning such discrimination).

2. Responsibility to employees as clients

2.01 Informed consent: Employee Assistance Professionals shall adequately inform their clients of their rights regarding the scope of limited communications during the assessment, referral and follow-up process. Clients should be informed of all statutory requirements and/or “duty to warn” laws, such as child/elder abuse and threats of violence, that apply to EA practice.

2.02 Privacy and confidentiality: Employee Assistance Professionals shall treat all client-related information as confidential unless released in compliance with statutory requirements, a proper court order or subpoena or with written permission and consent of the client.

Employee Assistance Professionals shall not disclose to any relevant party except where (in the case of Confidential Individual Client Information) the Employee Assistance Professional has reasonable grounds to believe that the physical safety of the individual client to whom it relates (or of any person who may be threatened by such individual client) would be prejudiced by failure to report such circumstances to that party. When necessary, the EA Professional will seek professional consultation, including but not limited to: supervisor, peer or EAPA’s Ethics Panel of Experts.

2.03 Records: All record keeping should be in compliance with all applicable government laws in the state and country of residence. All records should be maintained in accordance to established Standards of Practice as maintained by EAPA.

2.04 Screening and assessment: Clinical decisions shall be made according to the client’s best interest in both treatment modality and continuity of care. Members who are EA Professionals shall recognize their boundaries of competence and discipline. EA Professionals shall only provide services in areas in which they are clinically qualified. EA Professionals shall be competent in addressing chemical dependency and emotional/mental health disorders.

2.05 Referrals: Following case closure, all referrals will be made with the best interest of the client in mind. Decisions regarding referral sources should be based on clinical need and necessity and void of all conflict of interest concerns. All referrals should be made following necessary release of information signatures for sharing

personal and clinical information with the potential and existing referral resources, including prior to referral, during treatment process and follow up.

- (a) EA Professionals shall refer employees to other professionals based on their expertise, education and training in the problem areas identified for the client.
- (b) EA Professionals shall also consider other issues around a positive referral, including relationship “fit” of the professional and the employee, and whether there is a need to factor in any employee concerns around costs, availability and distance.
- (c) Self-referrals should be made only in the absence of other viable referral options and when EA professionals have reviewed all available options with the clients.
- (d) With proper releases signed by the employee, EA Professionals shall not withhold from the referral source or referring entity relevant assessment and clinical information that might impact the success of the referral.
- (e) EA Professionals will not accept payments of any kind (in-kind, financial, gifts, etc.) for referrals made to a specific person, program or company.

2.06 Follow-up: EA Professionals are in a position of being charged with not only referring employees to appropriate resources, but also making sure there is adequate resolution of the employees’ problems so that the employees can be effective in the workplace. Therefore, EA professionals are expected to follow up in some manner with all clients, either to make sure the intended results were achieved or to offer additional information and resources for those employees who did not obtain anticipated outcomes.

2.07 Case closure: Case closure should occur with full recognition of the depth of the client relationship. Cases will be closed when all necessary follow up is completed.

2.08 *Management consultation and management referral:*

Upon a properly signed release of information, the EA Professional shall only disclose the necessary employee information in order to inform the manager of the employee's psychological safety and readiness to work without additional oversight. In doing so, this disclosure must be balanced with the protection of any personal information shared by the employee. When possible, the EA Professional shall be forthcoming with the employee regarding conversations and content the EAP has with the manager.

2.09 *Sexual conduct:* The EA Professional shall not engage in sexual conduct with a present or former client due to the potential of harm to the client. If the EA Professional chooses to enter into sexual conduct contrary to this ethical standard or claim that an exception is warranted, it is the EA Professional –not the client-- who assumes the full responsibility of demonstrating that the client is not exploited, coerced, or manipulated, either intentionally or unintentionally.

2.10 *Professional competence:* EA Professionals must have professional competence regarding mental illness, short-term problem resolution, addictions, assessments, constructive confrontation and other direct services.

EA Professionals shall also have knowledge, training and expertise in key areas outside of the counseling field. At minimum, these areas include: a working knowledge of each employer organization and industry, employment laws, safety codes, employee benefits, human resources, management and administration, labor relations, EAP company's policies, insurance processes, etc.

EA Professionals shall practice only within the boundaries of their competence, based on their education, training, supervised and/or advisement experience and credentials. EA Professionals shall continue to participate in education and training programs to maintain and enhance their proficiency and competency.

2.11 *Representation of qualifications:* EA Professionals shall only present themselves in areas for which they have expertise, training, education and direct experience. EA Professionals shall be forthcoming in disclosing those areas outside their qualifications and competence.

When an EA Professional holds an additional professional license or certification, the EA Professional must recognize any ethical discrepancies from other licenses that could inhibit the competence and success of the EA Professional. When the EA professional is in

the EAP role, the EAP Code of Ethics should be considered as the most relevant in dealing with strictly EAP-related issues.

2.12 *Non-discrimination:* EA Professionals shall not discriminate because of a client's race, religion, national origin, political affiliation, disability, gender or sexual orientation.

2.13 *Avoiding harm:* EA Professionals shall conduct themselves in such a manner that their business concerns shall not harm or in any way interfere with their professional responsibilities to clients, employer organizations and the community at large.

EA Professionals shall consider themselves advocates for their clients. EA professionals must seriously consider situations wherein preservation of human life may supercede confidentiality and, whenever possible, obtain professional consultation before taking action.

2.14 *Full disclosure:* EA Professionals shall make full disclosure to their clients and employer organizations regarding the functions and purposes of the Employee Assistance Program.

EA Professionals shall also provide total transparency regarding any non-professional relationships, potential conflicts of interest, dual relationships or any financial conflicts with providers, programs or professionals that might be offered to the employee, regardless of whether or not they are considered clients of the EA Professional.

3. Responsibility as professionals

3.01 *Boundaries of competence:* EA Professionals shall be proficiently competent and knowledgeable about the employer organization, human resource management, EAP policy and administration and EAP direct services. EA Professionals shall be knowledgeable of applicable governmental laws, professional standards and codes of conduct relevant to the work organization.

3.02 *Continuing education and training:* EA Professionals shall continue to participate in education and training programs to maintain and enhance their proficiency and competence.

3.03 *Supervision, consultation and advisement:* EA Professionals shall provide supervision, consultation and advisement within their scope of competence.

3.04 *Integrity:* EA Professionals shall refrain from misrepresenting, falsifying or deceiving others in regard to themselves, other practitioners or the benefits or risks of proposed treatment strategies.

3.05 *Acknowledging credit:* EA Professionals shall overtly and candidly recognize the contributions of other professionals in any work or presentation in which they have collaborated.

4. Responsibility to employers or customer organizations

4.01 *Accurate representation of capability and capacity:*

EA professionals shall accurately and honestly market or sell only those services that are deliverable within the professional and technical limits and capabilities of the program. EA professionals need to accurately represent their capabilities and capacity in regard to their services, including but not limited to: quantitative capacity of consultation, emergency procedure, after-hour coverage, trainings, geographical coverage, and experience and competency of professional staff.

4.02 *Contracting truthfully:* In forming service contracts with client organizations, EA Professionals should be truthful and fair and be sensitive to the needs of the client organizations and their employees. EA Professionals should not include services that they are unable to deliver.

EA Professionals should accurately offer and deliver services which they defined in their service contracts with client organizations. EA Professionals should take full responsibility for their services if they fail to deliver their claimed benefits, and take corrective action promptly and professionally.

4.03 *Accuracy and honesty in reporting utilization, program results and outcomes:* All reports to employers or client organizations should accurately, honestly and fairly reflect the activities and utilization of the program's services. The utilization report should be calculated in accordance with the standard set by the EAPA, with the numerator and denominator to reflect the same factor being measured. Client confidentiality laws and regulations should be fully considered in reporting utilization, program results and outcomes.

4.04 *Provision of management training and consultation:*

EA Professionals shall provide training and consultation only within their scope of competence. When an EA Professional seeks to provide such service, the EA Professional shall first obtain further training on any EAP-related aspects of management consultation for which he/she is not currently competent.

4.05 Consultation on organizational policies or conditions:

EA Professionals shall work to advance their client organizations' policies, procedures and benefit plans as they relate to improved access, coverage and treatment for those with mental health, substance abuse, harassment or other behavioral problems.

4.06 Employer as client: The term "client" shall include individual employees as well as the client organization. EA Professionals shall not disclose the content of any organizational, management or customer consultation to a third party without written permission to do so by the recipient of the consultation.

4.07 Commitment to employers: By accepting compensation, the EA Professional accepts to serve the client company with dignity and to not bring negative publicity upon the client company. Should the EA Professional believe an unethical practice is occurring, the EA Professional should raise the concern with the client company, procure consultation from colleagues and seek an ethical resolution to the concern.

5. Responsibility in conducting research

- 5.01 *Informed consent:*** Participants (or "subjects" of research endeavors) have the right to consent or refuse to participate in research. EA Professionals or researchers should obtain voluntary and written consent from participants, when appropriate, without any consequence or penalty for refusal to participate.
- 5.02 *Institutional approval:*** When institutional review is required, EA Professionals or researchers provide accurate information about their research proposal and obtain approval before conducting the research. When EA Professionals or researchers do not have access to an Institutional Review Board (IRB), they will consult with researchers who are familiar with IRB procedures or ways to safeguard participant rights.
- 5.03 *Inducements:*** EA professionals or researchers will take reasonable efforts to avoid offering excessive or inappropriate incentives or inducements for research participation, and avoid any sense that participants are "coerced" into participation.
- 5.04 *Avoiding injury and minimal interference:*** EA Professionals or researchers will take precautions to avoid any injurious effects to participants and avoid causing disruptions in the lives of participants as a result of their participation in research.
- 5.05 *Reporting results:*** EA Professionals and researchers will not falsify or fabricate data, and when errors are discovered, they will ensure that steps are taken to correct such errors using appropriate communication and publication means. Results of any research that has professional value should not be withheld, including results that reflect unfavorably on programs, services or prevailing opinions.
- 5.06 *Avoiding plagiarism:*** EA Professionals and researchers do not present another's work as their own work.
- 5.07 *Publication credit:*** When reporting results of research or evaluation studies, EA Professionals and researchers give recognition to previous work on the topic and give full credit to those to whom credit is due.

5.08 *Participant confidentiality:* EA Professionals or researchers engaged in research should ensure the anonymity or confidentiality of participants and the data obtained from them. Participants should be informed of any limits of confidentiality.

5.09 *Relationships with participants:* EA Professionals or researchers avoid nonprofessional relationships with participants and remain alert to potential conflicts of interest or dual relationships with participants. Participant interests are primary when taking steps to resolve any conflict of interest concern.

5.10 *Disclosure of sponsors/Informing sponsors:* Sponsors or funders of research should be identified and EA Professionals or researchers should inform these sponsors regarding research procedures and results or outcomes.

6. Responsibility to vendors and providers

6.01 *Selection, contracting and pricing:* Employee Assistance Professionals shall treat their External Providers in a fair, lawful, reasonable and professional manner by:

- Providing those vendors chosen to compete for business with identical information and an equal opportunity to quote on requirements.
- Not permitting any prospect of illicit gain or other corrupt motive to influence any decision by the EA Professional in relation to the purchase or supply of any Employee Assistance services.
- Accepting the tender which (in the opinion of that EA Professional) offers the best value for the money.
- Treating all vendors' quoted prices and information as confidential, except to the extent that the same shall be or become (without fault on the part of the EA Professional) within the public domain or if the vendor shall authorize disclosure of the same.

6.02 *Conflict of interest:* No EA Professional may:

- Benefit from referral on to private treatment resources.
- Refer a client to a spouse, partner or family member who is a therapist.
- Refer a client to another EA Professional of the same group practice.
- Accept financial incentives for referring a client to a particular treatment provider or recommending a particular EAP provider.
- Attempt to limit service usage in order to minimize costs.

6.03 *Payment:* EA Professionals who purchase EA services shall treat their External Providers in a fair manner by:

- Being fair in their demands and settling accounts promptly when services have been provided.
- Resolving all claims and disputes on a factual, just, and prompt basis.

6.04 Non-Discrimination EA Professionals shall use all reasonable endeavors, in connection with the contracting of vendors, to provide equal opportunity for all actual and prospective contractors and in that connection:

- Shall not discriminate against any person on the grounds of that person's race, gender, color, religion, national origin, political affiliation, disability, sexual orientation, age, marital status or education (and shall in any event comply with all relevant legislation concerning such discrimination).
- Shall use all reasonable endeavors to ensure that any party to whom such EA Professional contracts or sub-contracts the provision of Employee Assistance services operates a policy of equal opportunity corresponding to these provisions.

7. Responsibility to the Employee Assistance profession and broader society

7.01 *Promotion of high standards:* This Code has been established to encourage Employee Assistance Professionals to adhere to high standards of ethical behavior for the benefit of their clients. This Code shall apply to activities and relationships between employees, employers, unions, colleagues, professionals from other disciplines, the local community and society as a whole.

7.02 *Public statements concerning the EA field and/or EAPA:* Employee Assistance Professionals should not make public statements that are knowingly false or deceptive concerning their profession or the professional association (EAPA).

7.03 *Advertising, marketing, sales, representation and other public statements:* Marketing and sales of Employee Assistance services should adhere to high ethical standards in advertisement of services and rate structure. Employee Assistance Professionals do not knowingly make false or deceptive statements in paid or unpaid advertising, research, professional background, endorsements or public statements.

7.04 *Billing:* Employee Assistance Professionals should take reasonable steps to ensure the accuracy of billing and reporting of the nature and extent of services provided. Steps should be taken to protect the individual client's confidentiality.

7.05 *Pricing and rate setting:* Though pricing and rate services are business decisions, the pricing of Employee Assistance services should reflect high ethical practice and transparency. "Per-capita" rates should be sufficient to fund all contracted services. Services should clearly address whether contacts are in person or by telephone.